<u>REMARKS</u>

Claims 1-20 are pending in the above-identified application. Claims 1-20 were rejected.

With this Amendment, claims 1, 5, 8, 9, 11, 13, 14 and 17 have been amended.

Objection To Specification

Applicant hereby submits an amended Abstract. Applicant submits that this amended

Abstract is now in the proper format, and it respectfully requested that the objection to the

Abstract be withdrawn.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-2, 4-6, 8-17, and 20 were rejected under 35 U.S.C. § 102(a) as being anticipated

by *Yu et al.* Applicant respectfully traverses this rejection.

The cited Yu reference is generally directed to a web-based biometric verification system

and method. Specifically, the Yu reference discloses in detail a system for authenticating a

user's identity using biometric exemplars *once the user has already been enrolled in the*

particular system. On the other hand, Applicant's invention is directed to a unique method and

system for enrolling a user prior to the enrolled user ever being allowed to attach his or her

biometric exemplar to his or her identity escrow file. The identity world today is replete with

stolen identities, and identity crime is one of the fastest growing crime in America. One identity

does not equal one person, nor does one person equal one identity. It is advantageous for a

verification system to ensure that a person enrolling in the system is who he/she claims to be, and

is not using a stolen identity. Unlike Applicant's claimed invention, the method and system

disclosed in the Yu reference does not expressly address this concern. Yu focuses on the

fraudulent transaction rather than the perpetrator of the fraud.

While Yu discusses enrollment in general, the enrollment is already assumed prior to

practicing Yu's disclosed invention. Yu's enrollment process does not compare an alphanumeric

identity input by a user to a predetermined set of criteria based on objective data. (See Yu, col.

9, ln. 11 – col. 10, ln. 8). Nor is Applicant aware of any other prior art enrollment process that is

performed in this manner.

The examiner cites to column 11, lines 11-13 which states that the term "agrees with"

means "is equivalent to within a predefined statistical level of confidence." However, this does

not refer to the particular comparison of alphanumeric identity input by a user to a predetermined

set of criteria based on objective data, as required by the claims. Rather, Yu is referring to the

fact that slight variations of the biometric input are typical, and will be tolerated within a

predefined statistical level of confidence. This "level of confidence" shows Yu's effort to

prevent criminals from fabricating an already enrolled biometric exemplar. However, this

already assumes enrollment has occurred. With Yu's invention, a user may attach his own

exemplar to a victim's name, thus precluding the need for such a criminal to ever fabricate the

victim's biometric in the first place.

Independent claims 1, 8, 13 and 14 have been amended to clarify the foregoing feature of

Applicant's invention. Namely, claims 1, 8 and 14 have been amended to expressly require (1) a

processor for generating a score for each identity found by the search engine to match the

identity data according to a predetermined second set of criteria based on objective data, and that

is capable of determining that the user's identity data is not suspicious based on the score, *prior*

to authorizing enrollment or creating an identity escrow file; and (2) that the enrollment

biometric data signal is only received *after* the processor has determined that the user's identity

data is not suspicious. Similarly, claim 13 has been amended to expressly require the steps of (1)

scoring said matching data according to a predetermined second set of criteria based on objective

data to determine if the alphanumeric identity data is not suspicious; and (2) *only after the*

alphanumeric identity data is determined to be not suspicious , creating an approved identity

data signal and receiving an enrollment biometric exemplar from the user.

None of the foregoing limitations which have been added to the claims are disclosed,

taught or otherwise suggested by the Yu reference. Thus, for the reasons provided, independent

claims 1, 8, 13 and 14 are allowable, as are their respective dependent claims.

35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 3, 7, 18, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable

over *Yu et al.* Applicant respectfully traverses this rejection.

For the reasons provided in response to the Examiner's §102 anticipation rejections under

the Yu references, claims 3, 7, 18 and 19 (which depend from either claims 1 or 14) are also not

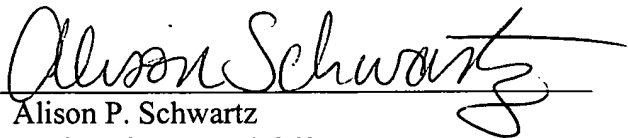unpatentable over Yu. Thus, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, Applicant submits that claims 1-20 of the currently pending

application as amended are in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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